

APR 05 2007

**BEST AVAILABLE COPY****10/803,379****REMARKS**

The Office Action of November 6, 2006 has been received and both the Examiner's comments and references cited therein carefully considered. In the Action, the specification was objected to because of informalities. Claims 3 and 4 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out or distinctly claim the subject matter applicant regards as the invention. The Examiner also stated that claims 3 and 4 recite the limitations "in-furnace" and "oxidized scale film" and that there is insufficient antecedent basis for these limitations in the claims. Claims 1, and 3 - 5 were rejected under 35 U.S.C. 102(b) as being anticipated by Carey (US 5,401,036); and, claim 2 was rejected under 35 U.S.C. 103(a) as being unpatentable over Carey (US 5,401,036).

In response to the Office Action, claims 1 - 5 have been cancelled and replaced with new claims 6 - 11 which more clearly define applicant's invention. Base claim 6 recites a method for producing oil tempered wire including the steps of scalping wire having a controlled nonmetallic inclusion producing a work hardened surface layer, softening the surface layer by annealing the wire, drawing the wire to provide a predetermined diameter, and performing an oil temper treatment so as to form an oxide scale film on the wire. Because of the recited softening-step, a resultant wire of high quality is obtained.

**BEST AVAILABLE COPY****10/803,379**

Applicant submits that the method recited in base claim 6 is neither taught nor suggested by Carey (US 5,481,036) nor the other references of record. As disclosed in column 8, lines 15 – 30, and column 18, lines 41 – 48, Carey's formed material is a metal strip for use in roofing components, gasoline tanks, etc., rather than wire for coiled springs. Thus, processing steps disclosed by Carey would not be obvious to one interested in producing wire coils. Furthermore, Carey fails to disclose or suggest method steps recited by applicant.

Carey's use of acid resulting in removal of material is quite different than use of a scalping step resulting in the hardening of a wire material to be used for coil springs. The Examiner refers to the disclosure by Carey of a coating process (column 15, lines 25 – 69) in which an "annealing process is undergone". However, there is no mention in Carey of an annealing process to provide material softening. Rather, the purpose of the coating is to protect the metal and provide a corrosive-resistant barrier for the metal strip material.

The Examiner refers to (column 17, lines 9 – 20, and column 15, lines 25 – 59) as disclosing an oil temper treatment of a wire coil. To the contrary, the palm oil disclosed by Carey is used to protect a molten metal alloy in a coating tank from undesirable oxidation prior to its application as a coating to metal strips. Applicant

APR 05 2007

BEST AVAILABLE COPY

10/803,379

submits that base claim 6 recites a method neither disclosed nor suggested by Carey and clearly allowable over the cited prior art.

New claims 7 – 11 are dependent on base claim 6 and recite further features of applicant's invention not disclosed nor suggested by the prior art. Accordingly, the dependent claims also are believed to be clearly allowable.

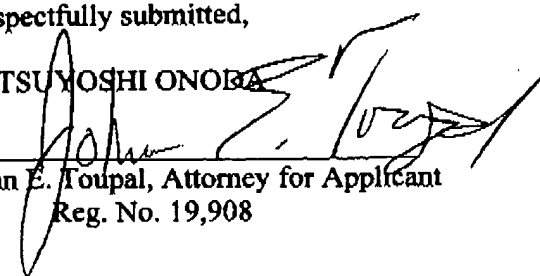
The Examiner also objected to the specification because of various formalities. In response thereto, the specification has been amended to obviate the informalities cited by the Examiner.

The Commissioner is hereby authorized to charge Deposit Account No. 20-1375 in the amount of \$450.00, the required fee for a two-month extension to respond to the November 6, 2006 Office Action. The Commissioner is also authorized to charge any other fees that may be due with this Amendment.

In view of the above amendments and remarks, applicant now believes that this application is in condition for allowance. Such action is most respectfully requested.

Respectfully submitted,

MITSUYOSHI ONOBA

By   
John E. Toupal, Attorney for Applicant  
Reg. No. 19,908